

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN EPPS,

Plaintiff, No. CIV S-04-2014 LKK DAD P

vs.

K. MENDOZA POWERS, et al.,

Defendants. ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On April 12, 2006, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff has filed objections to the findings and recommendations and requests the appointment of counsel.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis. In addition, for the reasons set forth in the magistrate judge's April 12, 2006

1 order denying appointment of counsel, plaintiff's renewed request for the appointment of counsel
2 will be denied.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed April 12, 2006, are adopted in full;
5 2. Plaintiff's request for the appointment of counsel, filed on May 31, 2006, is

6 denied; and

- 7 3. This action is dismissed due to plaintiff's failure to state a cognizable claim.

8 DATED: July 6, 2006.



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10 UNITED STATES DISTRICT JUDGE

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